



General Assembly

January Session, 2003

Amendment

LCO No. 7603

HB0668707603HD0

Offered by:

REP. DYSON, 94th Dist.
REP. DIAMANTIS, 79th Dist.
REP. LAWLOR, 99th Dist.
REP. THOMPSON, 13th Dist.
REP. TALLARITA, 58th Dist.
REP. PANARONI, 102nd Dist.
REP. DARGAN, 115th Dist.
REP. ORANGE, 48th Dist.
REP. BEAMON, 72nd Dist.
REP. GONZALEZ, 3rd Dist.
REP. MALONE, 47th Dist.
REP. DAVIS, 50th Dist.
REP. CARDIN, 53rd Dist.
REP. GERAGOSIAN, 25th Dist.
REP. GRAZIANI, 57th Dist.
REP. WASSERMAN, 106th Dist.

REP. JANOWSKI, 56th Dist.
REP. TONUCCI, 104th Dist.
REP. RYAN, 139th Dist.
REP. SERRA, 33rd Dist.
REP. BACKER, 121st Dist.
REP. JOHNSTON, 51st Dist.
SEN. FREEDMAN, 26th Dist.
SEN. HARP, 10th Dist.
SEN. NICKERSON, 36th Dist.
SEN. DAILY, 33rd Dist.
SEN. FONFARA, 1st Dist.
SEN. WILLIAMS, 29th Dist.
SEN. CRISCO, 17th Dist.
SEN. MURPHY, 16th Dist.
SEN. NEWTON, 23rd Dist.

To: Subst. House Bill No. 6687

File No. 733

Cal. No. 517

"AN ACT CONCERNING PRISON OVERCROWDING."

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- 1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:
- 3 "Section 1. Section 17a-696 of the general statutes is repealed and the

4 following is substituted in lieu thereof (*Effective July 1, 2004*):

5 (a) The provisions of this section shall not apply to any person
6 charged with a violation of section 14-227a or 53a-60d or with a class
7 A, B or C felony or to any person who was twice previously ordered
8 treated under this section, subsection (i) of section 17-155y, section 19a-
9 386 or section 21a-284 of the general statutes revised to 1989, or any
10 combination thereof. The court may waive the ineligibility provisions
11 of this subsection for any person.

12 (b) The court [may] shall order suspension of prosecution and order
13 treatment for alcohol or drug dependency as provided in this section
14 and sections 17a-697 and 17a-698 if it, after considering information
15 before it concerning the alcohol or drug dependency of the person,
16 including the examination report made pursuant to the provisions of
17 section 17a-694, finds that (1) the accused person was an alcohol-
18 dependent or drug-dependent person at the time of the crime, (2) the
19 person presently needs and is likely to benefit from treatment for the
20 dependency, and (3) suspension of prosecution will advance the
21 interests of justice. Treatment may begin no earlier than the date the
22 clinical examiner reports under the provisions of section 17a-694 that
23 space is available in a treatment program.

24 (c) A suspension of prosecution ordered under the provisions of
25 subsection (b) of this section may be for a period not exceeding two
26 years. During the period of suspension, an accused person shall be
27 placed in the custody of the Court Support Services Division for
28 treatment for alcohol or drug dependency. The court or the Court
29 Support Services Division may require that the person (1) comply with
30 any of the conditions specified in subsections (a) and (b) of section 53a-
31 30, and (2) be tested for use of alcohol or drugs during the period of
32 suspension. The accused person shall, unless indigent, pay the cost of
33 treatment ordered under this section.

34 (d) If prosecution is suspended under the provisions of subsection
35 (b) of this section, (1) the statute of limitations applicable to the crime

36 charged shall be tolled during the period of suspension, and (2) the
37 accused person shall be deemed to have waived [his] such accused
38 person's right to a speedy trial for the crime charged.

39 (e) The court shall not suspend prosecution under subsection (b) of
40 this section unless (1) the accused person has acknowledged that he or
41 she understands the consequences of the suspension of prosecution, (2)
42 the accused person has given notice, by registered or certified mail on
43 a form prescribed by the Chief Court Administrator, to the victim, if
44 any, of the crime of which the person is accused and of the pending
45 motion for suspension of prosecution, (3) such victim, if [he exists] any,
46 has been given an opportunity to be heard on the motion for
47 suspension of prosecution, and (4) the accused person, unless [he] such
48 accused person is indigent, has paid to the clerk of the court an
49 administration fee of twenty-five dollars.

50 (f) If the prosecution is suspended, the person shall be released on a
51 written promise to appear or on a bond and any other bond posted in
52 any criminal proceeding concerning such person shall be terminated.

53 (g) If the court denies the motion for suspension of prosecution, the
54 state's attorney may proceed with prosecution of the crime.

55 (h) A person shall be deemed to be indigent for the purposes of this
56 section if the court determines the person has an estate insufficient to
57 provide for [his] the person's support or there is no other person
58 legally liable or able to support [him] the person.

59 Sec. 2. Section 21a-278 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective July 1, 2003*):

61 (a) Any person who manufactures, distributes, sells, prescribes,
62 dispenses, compounds, transports with the intent to sell or dispense,
63 possesses with the intent to sell or dispense, offers, gives or
64 administers to another person one or more preparations, compounds,
65 mixtures or substances containing an aggregate weight of one ounce or
66 more of heroin, methadone or cocaine or an aggregate weight of [one-

67 half gram] one ounce or more of cocaine in a free-base form or a
68 substance containing five milligrams or more of lysergic acid
69 diethylamide, except as authorized in this chapter, and who is not, at
70 the time of such action, a drug-dependent person, shall be imprisoned
71 for a minimum term of not less than five years nor more than twenty
72 years; and, a maximum term of life imprisonment. The execution of the
73 mandatory minimum sentence imposed by the provisions of this
74 subsection shall not be suspended except the court may suspend the
75 execution of such mandatory minimum sentence if at the time of the
76 commission of the offense (1) such person was under the age of
77 eighteen years, or (2) such person's mental capacity was significantly
78 impaired but not so impaired as to constitute a defense to prosecution.

79 (b) Any person who manufactures, distributes, sells, prescribes,
80 dispenses, compounds, transports with the intent to sell or dispense,
81 possesses with the intent to sell or dispense, offers, gives or
82 administers to another person any narcotic substance, hallucinogenic
83 substance other than marijuana, amphetamine-type substance, or one
84 kilogram or more of a cannabis-type substance except as authorized in
85 this chapter, and who is not at the time of such action a drug-
86 dependent person, for a first offense shall be imprisoned not less than
87 five years nor more than twenty years; and for each subsequent offense
88 shall be imprisoned not less than ten years nor more than twenty-five
89 years. The execution of the mandatory minimum sentence imposed by
90 the provisions of this subsection shall not be suspended except the
91 court may suspend the execution of such mandatory minimum
92 sentence if at the time of the commission of the offense (1) such person
93 was under the age of eighteen years, or (2) such person's mental
94 capacity was significantly impaired but not so impaired as to
95 constitute a defense to prosecution.

96 Sec. 3. (NEW) (*Effective July 1, 2003*) Notwithstanding any provision
97 of the general statutes, when sentencing a person convicted of an
98 offense for which there is a mandatory minimum sentence, except a
99 capital felony, a class A felony or a class B felony or a violation of
100 section 53-202j, 53-202k, 53a-56a, 53a-71, 53a-102a or 53a-136a of the

101 general statutes, the court may, upon a showing of good cause by the
102 defendant, depart from the prescribed mandatory minimum sentence,
103 provided the court, at the time of sentencing, states in open court the
104 reasons for imposing the particular sentence and the specific reason for
105 imposing a sentence that departs from the prescribed mandatory
106 minimum.

107 Sec. 4. Section 54-124a of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective July 1, 2003*):

109 (a) There shall be a Board of [Parole] Pardons and Paroles which
110 shall be within the Department of Correction for administrative
111 purposes only and which, on and after July 1, [1998] 2003, shall consist
112 of [fifteen] eight members [, including a chairman and two vice-

113 chairmen who shall be] appointed by the Governor with the advice
114 and consent of either house of the General Assembly. [The chairman
115 and vice-chairmen shall be qualified by training, experience or
116 education in law, criminal justice, parole matters or other related fields
117 for the consideration of the matters before them and the other
118 members shall be qualified by training and experience for the
119 consideration of matters before them.] Four members shall be assigned
120 exclusively to parole release hearings and three members shall be
121 assigned exclusively to pardons hearings. Except as provided in
122 subsection (e) of this section, no member assigned to parole release
123 hearings may be assigned subsequently to pardons hearings and no
124 member assigned to pardons hearings may be assigned subsequently
125 to parole release hearings. In the appointment of the members, the
126 Governor shall endeavor to reflect the racial diversity of the state. The
127 Governor shall appoint a chairperson from among the membership.
128 The chairperson of the board shall be qualified by education,
129 experience and training in the administration of community
130 corrections, probation or parole.

131 (b) The term of each appointed member of the board serving on
132 June 30, 2003, shall expire on said date. The term of [the chairman and
133 the term of each vice-chairman] each member of the board beginning

134 on or after July 1, 2003, shall be coterminous with the term of the
135 Governor or until a successor is chosen, whichever is later. [The terms
136 of all members, except the chairman, shall expire on July 1, 1994, and
137 on or after July 1, 1994, members shall be appointed in accordance with
138 subsection (a) of this section as follows: Six members shall be
139 appointed for a term of two years; and six members shall be appointed
140 for a term of four years. Thereafter, all members shall serve for terms
141 of four years.] Any vacancy in the membership of the board shall be
142 filled for the unexpired portion of the term by the Governor.

143 (c) The [chairman and vice-chairmen] chairperson shall devote
144 [their] his or her entire time to the performance of [their] his or her
145 duties [hereunder] under this section and shall be compensated
146 therefor in such amount as the Commissioner of Administrative
147 Services determines, subject to the provisions of section 4-40. The other
148 members of said board shall receive one hundred ten dollars for each
149 day spent in the performance of their duties and shall be reimbursed
150 for necessary expenses incurred in the performance of such duties. The
151 [chairman] chairperson or, in [his] the chairperson's absence or
152 inability to act, a member designated by [him] the chairperson to serve
153 temporarily as [chairman] chairperson, shall be present at all meetings
154 of said board and participate in all decisions thereof.

155 (d) [Said chairman] The chairperson shall be the executive and
156 administrative head of said board and shall have the authority and
157 responsibility for (1) [directing and supervising] overseeing all
158 administrative affairs of the board, [(2) preparing the budget and
159 annual operation plan in consultation with the board, (3) assigning
160 staff to parole panels, regions and supervision offices, (4) organizing
161 parole hearing calendars to facilitate the timely and efficient
162 processing of cases, (5) implementing a uniform case filing and
163 processing system, (6) establishing policy] (2) adopting regulations, in
164 accordance with chapter 54, concerning procedures in all areas of
165 [parole] pardons and paroles including, but not limited to, granting
166 pardons, commutations of punishments or releases, conditioned or
167 absolute, in the case of any person convicted of any offense against the

168 state and commutations from the penalty of death, structured decision
169 making [.] and release criteria, [and supervision standards, (7)
170 establishing specialized parole units as deemed necessary, (8) entering
171 into contracts, in consultation with the board, with service providers,
172 community programs and consultants for the proper function of parole
173 and community supervision, (9) creating programs for staff and board
174 member development, training and education, (10) establishing,
175 developing and maintaining noninstitutional, community-based
176 service programs, (11)] (3) consulting with the Department of
177 Correction on shared issues including, but not limited to, prison
178 overcrowding, (4) consulting with the Judicial Department on shared
179 issues of community supervision, and [(12)] (5) signing and issuing
180 subpoenas to compel the attendance and testimony of witnesses at
181 parole proceedings. Any such subpoena shall be enforceable to the
182 same extent as subpoenas issued pursuant to section 52-143.

183 (e) The [chairman] chairperson may sit on both pardons panels and
184 parole release panels and shall have the authority and responsibility
185 for assigning members to such panels. [, each to] Each parole release
186 panel shall be composed of two members and the [chairman]
187 chairperson or a member designated to serve temporarily as
188 [chairman] chairperson, for each correctional institution. Such parole
189 release panels shall be the paroling authority for the institutions to
190 which they are assigned and not less than two members shall be
191 present at each parole hearing. Pardons panels shall be composed of
192 three members, one of whom may be the chairperson, except that for
193 hearings on commutations from the penalty of death, one member of
194 the panel shall be the chairperson.

195 (f) The chairperson, or the chairperson's designee, and two members
196 of the board shall conduct all parole release hearings and shall approve
197 or deny all parole releases recommended by an employee of the board
198 pursuant to section 54-125b, as amended by this act, and all parole
199 revocations and parole rescissions recommended by an employee of
200 the board pursuant to section 8 of this act.

201 (g) The chairperson of the board shall appoint an executive director.
202 The executive director shall oversee the administration of the agency
203 and, at the discretion of the chairperson, shall: (1) Direct and supervise
204 all administrative affairs of the board, (2) prepare the budget and
205 annual operation plan, (3) assign staff to administrative review,
206 regions and supervision offices, (4) organize pardons and parole
207 release hearing calendars, (5) implement a uniform case filing and
208 processing system, (6) establish specialized parole units, (7) review and
209 establish parole officer to parolee caseload ratios, (8) enter into
210 contracts with service providers, community programs and
211 consultants, (9) create programs for staff and board member
212 development, training and education, and (10) establish, develop and
213 maintain noninstitutional, community-based service programs.

214 (h) The chairperson and executive director shall adopt regulations,
215 in accordance with chapter 54, concerning:

216 (1) Parole revocation and rescission hearings that include
217 implementing due process requirements;

218 (2) An administrative pardons process that allows applicants
219 convicted of misdemeanors to be granted a pardon without a hearing
220 if such applicants were:

221 (A) Convicted for conduct that no longer constitutes a crime;

222 (B) Under the age of twenty-one years at the time of conviction and
223 have not been convicted of a crime during the ten years preceding the
224 date on which the pardon is granted; and

225 (C) Convicted prior to the effective date of a program established
226 under sections 17a-692 to 17a-701, inclusive, 46b-38c, 53a-39a, 53a-39b,
227 53a-39c, 54-56e, 54-56g, 54-56i or 54-56j for which the applicant would
228 have been eligible had such program existed at the time of conviction
229 and whom the chairperson determines would likely have been granted
230 entry into such program;

- 231 (3) Conducting pardons hearings every three months; and
- 232 (4) Requiring board members assigned to pardons hearings to issue
233 written statements containing the reasons for rejecting any pardons
234 application.
- 235 (i) The chairperson and executive director shall establish:
- 236 (1) A parole orientation program for all parole-eligible inmates upon
237 their transfer to the custody of the Commissioner of Correction that
238 will provide general information on the laws and policies regarding
239 parole release, calculation of time-served standards, general conditions
240 of release, supervision practices, revocation and rescission policies,
241 and procedures for administrative review and panel hearings, and any
242 other information that the board deems relevant for preparing inmates
243 for parole;
- 244 (2) An incremental sanctions system for parole violations including,
245 but not limited to, reincarceration based on the type, severity and
246 frequency of the violation and specific periods of incarceration for
247 certain types of violations; and
- 248 (3) Supervision standards.
- 249 [(f)] (j) In the event of the temporary inability of any member other
250 than the [chairman] chairperson to perform his or her duties, the
251 Governor, at the request of the board, may appoint a qualified person
252 to serve as a temporary member during such period of inability.
- 253 [(g)] (k) The chairperson of the Board of [Parole] Pardons and
254 Paroles shall: (1) Adopt an annual budget and plan of operation, (2)
255 adopt such rules as deemed necessary for the internal affairs of the
256 board, (3) [develop policy for and administer the operation] adopt
257 regulations, in accordance with chapter 54, for the administration of
258 the Interstate Parole Compact, and (4) submit an annual report to the
259 Governor and General Assembly.
- 260 Sec. 5. Section 54-125a of the general statutes is repealed and the

261 following is substituted in lieu thereof (*Effective January 1, 2004*):

262 (a) A person convicted of one or more crimes who is incarcerated on
263 or after October 1, 1990, who received a definite sentence or aggregate
264 sentence of more than two years, and who has been confined under
265 such sentence or sentences for not less than one-half of the aggregate
266 sentence or one-half of the most recent sentence imposed by the court,
267 whichever is greater, may be allowed to go at large on parole in the
268 discretion of the panel of the Board of [Parole] Pardons and Paroles for
269 the institution in which the person is confined, if (1) it appears from all
270 available information, including any reports from the Commissioner of
271 Correction that the panel may require, that there is reasonable
272 probability that such inmate will live and remain at liberty without
273 violating the law, and (2) such release is not incompatible with the
274 welfare of society. At the discretion of the panel, and under the terms
275 and conditions as may be prescribed by the panel including requiring
276 the parolee to submit personal reports, the parolee shall be allowed to
277 return to the parolee's home or to reside in a residential community
278 center, or to go elsewhere. The parolee shall, while on parole, remain
279 in the legal custody and control of the board until the expiration of the
280 maximum term or terms for which the parolee was sentenced. Any
281 parolee released on the condition that the parolee reside in a
282 residential community center may be required to contribute to the cost
283 incidental to such residence. Each order of parole shall fix the limits of
284 the parolee's residence, which may be changed in the discretion of
285 such panel. Within three weeks after the commitment of each person
286 sentenced to more than one year, the state's attorney for the judicial
287 district shall send to the Board of [Parole] Pardons and Paroles the
288 record, if any, of such person.

289 (b) (1) No person convicted of any of the following offenses, which
290 was committed on or after July 1, 1981, shall be eligible for parole
291 under subsection (a) of this section: Capital felony, as [defined]
292 provided in section 53a-54b, felony murder, as [defined] provided in
293 section 53a-54c, arson murder, as [defined] provided in section 53a-
294 54d, murder, as [defined] provided in section 53a-54a, or [any offense

295 committed with a firearm, as defined in section 53a-3, in or on, or
296 within one thousand five hundred feet of, the real property comprising
297 a public or private elementary or secondary school] aggravated sexual
298 assault in the first degree, as provided in section 53a-70a. (2) A person
299 convicted of an offense, other than an offense specified in subdivision
300 (1) of this subsection, where the underlying facts and circumstances of
301 the offense involve the use, attempted use or threatened use of
302 physical force against another person shall be ineligible for parole
303 under subsection (a) of this section until such person has served not
304 less than eighty-five per cent of the definite sentence imposed.

305 (c) The Board of [Parole] Pardons and Paroles shall, not later than
306 July 1, 1996, adopt regulations in accordance with chapter 54 to ensure
307 that a person convicted of an offense described in subdivision (2) of
308 subsection (b) of this section is not released on parole until such person
309 has served eighty-five per cent of the definite sentence imposed by the
310 court. Such regulations shall include guidelines and procedures for
311 classifying a person as a violent offender that are not limited to a
312 consideration of the elements of the offense or offenses for which such
313 person was convicted.

314 [(d) Not later than January 15, 2002, the Board of Parole shall submit
315 a report to the Secretary of the Office of Policy and Management and,
316 in accordance with the provisions of section 11-4a, to the joint standing
317 committees of the General Assembly having cognizance of matters
318 relating to the Board of Parole, public safety and appropriations and
319 the budgets of state agencies setting forth the number of all persons
320 whose eligibility for parole release is subject to subsection (a) of this
321 section who, as of January 1, 2002, have completed seventy-five per
322 cent of their definite sentence and have not been approved for parole
323 release. Not later than February 15, 2002, and not later than the
324 fifteenth day of each month thereafter, the Board of Parole shall submit
325 a report to the Secretary of the Office of Policy and Management and,
326 in accordance with the provisions of section 11-4a, to the joint standing
327 committees of the General Assembly having cognizance of matters
328 relating to the Board of Parole, public safety and appropriations and

329 the budgets of state agencies setting forth the number of all such
330 persons who have completed seventy-five per cent of their definite
331 sentence in the preceding month and were not approved for parole
332 release.]

333 (d) Notwithstanding the provisions of subsection (a) of this section,
334 any person whose eligibility for parole release is subject to said
335 subsection and who has not been released on parole by the board in its
336 discretion, shall be released on parole supervision upon completion by
337 such person of seventy-five per cent of such person's definite sentence
338 or aggregate sentence unless: (1) Such person has been given a level
339 five security or chronic disciplinary status classification by the
340 Department of Correction, (2) such person has been given a level three
341 or four security group rating by the Department of Correction, (3) such
342 person has been the subject of a class A disciplinary report by the
343 Department of Correction for assault on staff or another inmate, rioting
344 or escape within the preceding twelve months, (4) such person has a
345 pending criminal charge for the alleged commission of a felony during
346 such person's period of incarceration, or (5) a detainer has been lodged
347 against such person.

348 (e) Notwithstanding the provisions of subsection (a) of this section,
349 any person whose eligibility for parole release is subject to subdivision
350 (2) of subsection (b) of this section shall be released on parole
351 supervision upon completion by such person of eighty-five per cent of
352 such person's definite sentence or aggregate sentence unless: (1) Such
353 person has been given a level five security or chronic disciplinary
354 status classification by the Department of Correction, (2) such person
355 has been given a level three or four security group rating by the
356 Department of Correction, (3) such person has been the subject of a
357 class A disciplinary report by the Department of Correction for assault
358 on staff or another inmate, rioting or escape within the preceding
359 twelve months, (4) such person has a pending criminal charge for the
360 alleged commission of a felony during such person's period of
361 incarceration, or (5) a detainer has been lodged against such person.

362 Sec. 6. Section 54-125b of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective July 1, 2003*):

364 (a) A person whose eligibility for parole release is subject to
365 subsection (a) of section 54-125a, as amended by this act, may be
366 allowed to go on parole in accordance with section 54-125a, as
367 amended by this act, or 54-125g without a parole hearing being
368 conducted by a panel of the Board of [Parole] Pardons and Paroles if
369 (1) an employee of the Board of [Parole] Pardons and Paroles has
370 reviewed the inmate's case and recommended parole be granted to
371 such person, and (2) such recommendation has been approved by at
372 least two members of a panel of the board. A parole hearing shall be
373 conducted by a panel of the Board of [Parole] Pardons and Paroles if
374 the chairperson of the board deems such a hearing to be necessary or if
375 a victim, as defined in sections 54-201 and 54-226, requests such a
376 hearing.

377 [(b) No inmate may be released pursuant to the provisions of
378 subsection (a) of this section if he or she has been convicted of a
379 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
380 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-
381 134 or 53a-196a or has more than three years remaining on his or her
382 sentence.]

383 [(c)] (b) The chairperson of the Board of [Parole] Pardons and
384 Paroles shall adopt regulations, in accordance with chapter 54, to
385 establish criteria and procedures for the administrative review and
386 release of inmates without a parole hearing as provided in this section.

387 Sec. 7. Section 54-125e of the general statutes is repealed and the
388 following is substituted in lieu thereof (*Effective July 1, 2003*):

389 (a) Any person convicted of a crime committed on or after October
390 1, 1998, who received a definite sentence of more than two years
391 followed by a period of special parole shall, at the expiration of the
392 maximum term or terms of imprisonment imposed by the court, be
393 automatically transferred from the custody of the Commissioner of

394 Correction to the jurisdiction of the [chairman] chairperson of the
395 Board of [Parole] Pardons and Paroles or, if such person has
396 previously been released on parole pursuant to subsection (a) of
397 section 54-125a, as amended by this act, or section 54-131a, remain
398 under the jurisdiction of said [chairman] chairperson until the
399 expiration of the period of special parole imposed by the court.

400 (b) Any person sentenced to a period of special parole shall be
401 subject to such rules and conditions as may be established by the
402 Board of [Parole] Pardons and Paroles or its [chairman] chairperson
403 pursuant to section 54-126.

404 (c) The period of special parole shall be not less than one year nor
405 more than ten years except that such period may be for more than ten
406 years for a person convicted of a violation of subdivision (2) of section
407 53-21 of the general statutes in effect prior to October 1, 2000,
408 subdivision (2) of subsection (a) of section 53-21, section 53a-70,
409 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a
410 persistent dangerous felony offender pursuant to subsection (h) of
411 section 53a-40 or as a persistent serious felony offender pursuant to
412 subsection (j) of section 53a-40.

413 (d) Whenever a parolee has, in the judgment of such parolee's
414 parole officer, violated the conditions of his or her special parole, the
415 board shall cause the parolee to be brought before it without
416 unnecessary delay for a hearing on the violation charges. At such
417 hearing, the parolee shall be informed of the manner in which such
418 parolee is alleged to have violated the conditions of such parolee's
419 special parole and shall be advised by the employee of the board
420 conducting the hearing of such parolee's due process rights.

421 (e) If such violation is established, the board may: (1) Continue the
422 sentence of special parole; (2) modify or enlarge the conditions of
423 special parole; or (3) revoke the sentence of special parole.

424 (f) If the board revokes special parole for a parolee, the chairperson
425 may issue a mittimus for the commitment of such parolee to the

426 custody of the Commissioner of Correction for any period not to
427 exceed the unexpired portion of the period of special parole.

428 (g) Whenever special parole has been revoked for a parolee, the
429 board may, at any time during the unexpired portion of the period of
430 special parole, allow the parolee to be released again on special parole
431 without court order.

432 Sec. 8. (NEW) (*Effective July 1, 2003*) All parole revocation and
433 rescission hearings shall be conducted by an employee of the Board of
434 Pardons and Paroles. The parole of a person who has been allowed to
435 go on parole in accordance with subsection (a) of section 54-125a of the
436 general statutes, as amended by this act, or section 54-125g of the
437 general statutes, who has been sentenced to a period of special parole
438 in accordance with subdivision (9) of subsection (b) of section 53a-28 of
439 the general statutes, or who has been released on parole in accordance
440 with subsection (d) or (e) of section 54-125a of the general statutes, as
441 amended by this act, shall be revoked or rescinded if, after such
442 hearing, the employee recommends such revocation or rescission and
443 such recommendation is approved by at least two members of a panel
444 of the board.

445 Sec. 9. Section 54-97 of the general statutes is repealed and the
446 following is substituted in lieu thereof (*Effective July 1, 2003*):

447 No person may be committed to [the Connecticut Correctional
448 Institution, Somers,] a correctional institution or a community
449 correctional center without a mittimus signed by the judge or clerk of
450 the court which committed [him] such person or, with respect to a
451 person sentenced to a period of special parole, signed by the
452 chairperson of the Board of Pardons and Paroles, declaring the cause
453 of commitment and requiring the warden or Community Correctional
454 Center Administrator to receive and keep [him] such person in the
455 [Correctional Institution, Somers,] correctional institution or the
456 community correctional center, as the case may be, for the period fixed
457 by the judgment of said court or said board or until [he] such person is

458 legally discharged; and such mittimus shall be sufficient authority to
459 the officer to commit such person, and to the warden or Community
460 Correctional Center Administrator to receive and hold [him] such
461 person in custody, except that any community correctional center may
462 receive any person as provided in section 7-135 without such mittimus.

463 Sec. 10. Section 54-128 of the general statutes is repealed and the
464 following is substituted in lieu thereof (*Effective July 1, 2003*):

465 (a) Any paroled [convict or] inmate who has been returned to the
466 custody of the Commissioner of Correction or any institution of the
467 Department of Correction for violation of [his] such inmate's parole
468 may be retained in [the institution from which he was paroled] a
469 correctional institution for a period equal to the unexpired portion of
470 the term of [his] such inmate's sentence at the date of the request or
471 order for [his] such inmate's return less any commutation or
472 diminution of [his] such inmate's sentence earned, except that the
473 Board of [Parole] Pardons and Paroles may, in its discretion, determine
474 that [he] such inmate shall forfeit any or all of such earned time, or
475 may be again paroled by said board.

476 (b) Each parolee or inmate, subject to the provisions of section 18-7,
477 shall be subject to loss of all or any portion of time earned.

478 (c) Any person who, during the service of a period of special parole
479 imposed in accordance with subdivision (9) of section 53a-28, as
480 amended by this act, has been returned to the custody of the
481 Commissioner of Correction or any institution of the Department of
482 Correction for violation of [his] such person's parole, may be retained
483 in [the institution from which he was paroled] a correctional institution
484 for a period equal to the unexpired portion of the period of special
485 parole. The total length of the term of incarceration and term of special
486 parole combined shall not exceed the maximum sentence of
487 incarceration authorized for the offense for which the person was
488 convicted.

489 Sec. 11. (NEW) (*Effective July 1, 2003*) Notwithstanding the

490 provisions of section 54-125a of the general statutes, as amended by
491 this act, the chairperson of the Board of Pardons and Paroles may
492 transfer to any public or private nonprofit halfway house, group home
493 or mental health facility or to an approved community or private
494 residence any person who is confined in a correctional institution or
495 facility and (1) has been granted parole release and is within eighteen
496 months of the parole release date established by the board, or (2) is
497 within eighteen months of such person's conditional parole release
498 date under subsection (d) or (e) of section 54-125a of the general
499 statutes, as amended by this act. Any person released from
500 confinement pursuant to this section shall be transferred from the
501 custody of the Commissioner of Correction to the jurisdiction of the
502 chairperson of the Board of Pardons and Paroles. Such person may, at
503 any time, be returned to the custody of the Commissioner of
504 Correction.

505 Sec. 12. Subdivision (1) of subsection (a) of section 18-50 of the
506 general statutes is repealed and the following is substituted in lieu
507 thereof (*Effective July 1, 2003*):

508 (a) (1) Except as provided in subdivision (2) of this subsection, each
509 person committed to any community correctional center upon
510 conviction of any criminal offense, and held therein only for the
511 payment of a fine, shall be discharged from confinement when the
512 time served by such person at [the rate of fifty dollars a day] a per
513 diem rate equal to the average daily cost of incarceration as
514 determined by the Commissioner of Correction amounts to such fine
515 or the balance thereof remaining unpaid. Such person shall earn an
516 additional credit of fifty dollars toward such fine or balance thereof
517 remaining unpaid for each day such person is employed at productive
518 or maintenance work and has established a satisfactory work record.
519 In computing the number of days to be served, credit shall be given for
520 Sundays, holidays and the day of admission. Each person so
521 committed shall be released during the day following that which
522 completes the time to be served when computed in accordance with
523 this subdivision, or immediately upon payment of the fine in full.

524 Sec. 13. Subdivision (1) of subsection (a) of section 18-98d of the
525 general statutes is repealed and the following is substituted in lieu
526 thereof (*Effective July 1, 2003*):

527 (a) (1) Any person who is confined to a community correctional
528 center or a correctional institution for an offense committed on or after
529 July 1, 1981, under a mittimus or because such person is unable to
530 obtain bail or is denied bail shall, if subsequently imprisoned, earn a
531 reduction of such person's sentence equal to the number of days which
532 such person spent in such facility from the time such person was
533 placed in presentence confinement to the time such person began
534 serving the term of imprisonment imposed; provided (A) each day of
535 presentence confinement shall be counted only once for the purpose of
536 reducing all sentences imposed after such presentence confinement;
537 and (B) the provisions of this section shall only apply to a person for
538 whom the existence of a mittimus, an inability to obtain bail or the
539 denial of bail is the sole reason for such person's presentence
540 confinement, except that if a person is serving a term of imprisonment
541 at the same time such person is in presentence confinement on another
542 charge and the conviction for such imprisonment is reversed on
543 appeal, such person shall be entitled, in any sentence subsequently
544 imposed, to a reduction based on such presentence confinement in
545 accordance with the provisions of this section. In the case of a fine,
546 each day spent in such confinement prior to sentencing shall be
547 credited against the sentence at [the rate of fifty dollars] a per diem
548 rate equal to the average daily cost of incarceration as determined by
549 the Commissioner of Correction.

550 Sec. 14. Section 18-87j of the general statutes is repealed and the
551 following is substituted in lieu thereof (*Effective July 1, 2003*):

552 There is established a Commission on Prison and Jail Overcrowding
553 which shall be within the Office of Policy and Management for
554 administrative purposes only. The commission shall consist of the
555 Chief Court Administrator, [or his designee,] the Commissioner of
556 Correction, the Commissioner of Public Safety, the Chief State's

557 Attorney, [or his designee,] the Chief Public Defender, [or his
558 designee] the Commissioner of Mental Health and Addiction Services
559 and the chairperson of the Board of Pardons and Paroles, or their
560 designees, the executive director of the Court Support Services
561 Division or other designee of the Chief Court Administrator and the
562 following members, each of whom shall be appointed by the
563 Governor: Three government officials, a police chief, two persons
564 representing offender and victim services within the private
565 community and two public members. The Governor shall appoint a
566 chairperson from among the members of the commission. The
567 commission shall meet at such times as it deems necessary.

568 Sec. 15. Section 18-100c of the general statutes is repealed and the
569 following is substituted in lieu thereof (*Effective July 1, 2003*):

570 A person convicted of a crime who is incarcerated on or after July 1,
571 1993, [who] received a definite sentence of two years or less, and [who]
572 has been confined under such sentence for not less than one-half of the
573 sentence imposed by the court, less such time as may have been earned
574 under the provisions of section 18-7, 18-7a, 18-98a, 18-98b or 18-98d,
575 may be released pursuant to subsection (e) of section 18-100 or to any
576 other community correction program approved by the Commissioner
577 of Correction.

578 Sec. 16. (*Effective July 1, 2003*) Notwithstanding the provisions of
579 subsection (a) of section 18-86b of the general statutes, during the fiscal
580 year ending June 30, 2004, the Commissioner of Correction may, with
581 the approval of the joint standing committees of the General Assembly
582 on appropriations and the judiciary, enter into a contract with any
583 governmental vendor for supervision of an additional two hundred
584 fifty inmates outside the state if necessary to achieve the requirements
585 of the budget for said fiscal year. The commissioner, in consultation
586 with the Secretary of the Office of Policy and Management, shall
587 prepare a transition plan for the phase-in of alternatives to
588 incarceration concurrent with the development of community,
589 residential, vocational and treatment resources for eligible inmates.

590 The commissioner shall allocate sufficient funds for this purpose.

591 Sec. 17. (NEW) (*Effective July 1, 2003*) (a) The Board of Pardons and
592 Paroles shall be a successor department to the Board of Pardons and
593 the Board of Parole in accordance with the provisions of sections 4-38d
594 and 4-39 of the general statutes.

595 (b) Wherever the words "Board of Pardons" or "Board of Parole" are
596 used in the general statutes, the words "Board of Pardons and Paroles"
597 shall be substituted in lieu thereof.

598 (c) The Legislative Commissioners' Office shall, in codifying the
599 provisions of this act, make such technical, grammatical and
600 punctuation changes as are necessary to carry out the purposes of this
601 act.

602 Sec. 18. Subsection (d) of section 54-56d of the general statutes is
603 repealed and the following is substituted in lieu thereof (*Effective*
604 *October 1, 2003*):

605 (d) If the court finds that the request for an examination is justified
606 and that, in accordance with procedures established by the judges of
607 the Superior Court, there is probable cause to believe that the
608 defendant has committed the crime for which he is charged, the court
609 shall order an examination of the defendant as to his competency. The
610 court [either] may (1) appoint one or more physicians specializing in
611 psychiatry to examine the defendant, or [it may] (2) order the
612 Commissioner of Mental Health and Addiction Services to conduct the
613 examination either (A) by a clinical team consisting of a physician
614 specializing in psychiatry, a clinical psychologist and one of the
615 following: A clinical social worker licensed pursuant to chapter 383b or
616 a psychiatric nurse clinical specialist holding a master's degree in
617 nursing, or (B) by one or more physicians specializing in psychiatry,
618 except that no employee of the Department of Mental Health and
619 Addiction Services who has served as a member of a clinical team in
620 the course of such employment for at least five years prior to October
621 1, 1995, shall be precluded from being appointed as a member of a

622 clinical team. If the Commissioner of Mental Health and Addiction
623 Services is ordered to conduct the examination, [he] the commissioner
624 shall select the members of the clinical team or the physician or
625 physicians. If the examiners determine that the defendant is not
626 competent, they shall then determine whether there is substantial
627 probability that the defendant, if provided with a course of treatment,
628 will regain competency within the maximum period of any placement
629 order under this section, or whether the defendant appears to be
630 eligible for civil commitment, with monitoring by the Court Support
631 Services Division, pursuant to subdivision (2) of subsection (h) of this
632 section, as amended by this act. The court may authorize a physician
633 specializing in psychiatry, a clinical psychologist, a clinical social
634 worker licensed pursuant to chapter 383b or a psychiatric nurse
635 clinical specialist holding a master's degree in nursing selected by the
636 defendant to observe the examination. Counsel for the defendant may
637 observe the examination. The examination shall be completed within
638 fifteen days from the date it was ordered and the examiner or
639 examiners shall prepare and sign, without notarization, a written
640 report and file [it] such report with the court within twenty-one
641 business days of the date of the order. On receipt of the written report,
642 the clerk of the court shall cause copies to be delivered immediately to
643 the state's attorney and to counsel for the defendant.

644 Sec. 19. Subsection (h) of section 54-56d of the general statutes is
645 repealed and the following is substituted in lieu thereof (*Effective*
646 *October 1, 2003*):

647 (h) (1) If, at the hearing, the court finds that there is a substantial
648 probability that the defendant, if provided with a course of treatment,
649 will regain competency within the period of any placement order
650 under this section, the court shall either (A) order placement of the
651 defendant for treatment for the purpose of rendering him competent,
652 or (B) order placement of the defendant at a treatment facility pending
653 civil commitment proceedings pursuant to subdivision (2) of this
654 subsection.

655 (2) (A) Except as provided in subparagraph (B) of this subdivision, if
656 the court makes a finding pursuant to subdivision (1) of this subsection
657 and does not order placement pursuant to subparagraph (A) of said
658 subdivision, the court shall, on its own motion or on motion of the
659 state or the defendant, order placement of the defendant in the custody
660 of the Commissioner of Mental Health and Addiction Services at a
661 treatment facility pending civil commitment proceedings. The
662 treatment facility shall be determined by the Commissioner of Mental
663 Health and Addiction Services. Such order shall: (i) Include an
664 authorization for the Commissioner of Mental Health and Addiction
665 Services to apply for civil commitment of such defendant pursuant to
666 sections 17a-495 to 17a-528, inclusive; (ii) permit the defendant to agree
667 to participate voluntarily in a treatment plan prepared by the
668 Commissioner of Mental Health and Addiction Services and require
669 that the defendant comply with such treatment plan; and (iii) provide
670 that if the application for civil commitment is denied or not pursued
671 by the Commissioner of Mental Health and Addiction Services, or if, in
672 the case of a defendant who is participating voluntarily in a treatment
673 plan, such defendant ceases to so participate voluntarily, the person in
674 charge of the treatment facility, or such person's designee, shall submit
675 a written progress report to the court pursuant to subsection (j) of this
676 section, as amended by this act, and the defendant shall be returned to
677 the court for a hearing pursuant to subsection (k) of this section. The
678 Court Support Services Division shall monitor the defendant's
679 compliance with any applicable provisions of such order. The period
680 of placement and monitoring under such order shall not exceed the
681 period of the maximum sentence which the defendant could receive on
682 conviction of the charges against such defendant, or eighteen months,
683 whichever is less. If the defendant has complied with such treatment
684 plan and any applicable provisions of such order, at the end of the
685 period of placement and monitoring, the court shall approve the entry
686 of a nolle prosequi to the charges against the defendant or shall
687 dismiss such charges.

688 (B) This subdivision shall not apply: (i) To any person charged with

689 a class A felony, a class B felony, except a violation of section 53a-122
690 that does not involve the use, attempted use or threatened use of
691 physical force against another person, or a violation of section 14-227a,
692 subdivision (2) of subsection (a) of section 53-21 or section 53a-56b,
693 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b; (ii) to any
694 person charged with a crime or motor vehicle violation who, as a result
695 of the commission of such crime or motor vehicle violation, causes the
696 death of another person; or (iii) unless good cause is shown, to any
697 person charged with a class C felony.

698 Sec. 20. Subsection (j) of section 54-56d of the general statutes is
699 repealed and the following is substituted in lieu thereof (*Effective*
700 *October 1, 2003*):

701 (j) The person in charge of the treatment facility, or [his] such
702 person's designee, shall submit a written progress report to the court
703 (1) at least seven days prior to the date of any hearing on the issue of
704 the defendant's competency; (2) whenever he believes that the
705 defendant has attained competency; [or] (3) whenever he believes that
706 there is not a substantial probability that the defendant will attain
707 competency within the period covered by the placement order; or (4)
708 whenever the defendant has been placed for treatment pending civil
709 commitment proceedings pursuant to subdivision (2) of subsection (h)
710 of this section, as amended by this act, and the application for civil
711 commitment of the defendant is denied or not pursued. The progress
712 report shall contain: (A) [the] The clinical findings of the person
713 submitting the report and the facts on which the findings are based; (B)
714 the opinion of the person submitting the report as to whether the
715 defendant has attained competency or as to whether the defendant is
716 making progress, under treatment, toward attaining competency
717 within the period covered by the placement order; and (C) any other
718 information concerning the defendant requested by the court, [such as]
719 including, but not limited to, the method of treatment or the type,
720 dosage and effect of any medication the defendant is receiving.

721 Sec. 21. Subsection (m) of section 54-56d of the general statutes is

722 repealed and the following is substituted in lieu thereof (*Effective*
723 *October 1, 2003*):

724 (m) If at any time the court determines that there is not a substantial
725 probability that the defendant will attain competency within the
726 period of treatment allowed by this section, or if at the end of [that]
727 such period the court finds that the defendant is still not competent,
728 the court shall either release the defendant from custody or order the
729 defendant placed in the custody of the Commissioner of Mental Health
730 and Addiction Services, the Commissioner of Children and Families or
731 the Commissioner of Mental Retardation. The commissioner given
732 custody, or [his] the commissioner's designee, shall then apply for civil
733 commitment according to sections 17a-75 to 17a-83, inclusive, 17a-270
734 to 17a-283, inclusive, and 17a-495 to 17a-528, inclusive. The court shall
735 hear arguments as to whether the defendant should be released or
736 should be placed in the custody of the Commissioner of Mental Health
737 and Addiction Services, the Commissioner of Children and Families or
738 the Commissioner of Mental Retardation. If the court orders the release
739 of a defendant charged with the commission of a crime that resulted in
740 the death or serious physical injury, as defined in section 53a-3, of
741 another person, [it] or orders the placement of such defendant in the
742 custody of the Commissioner of Mental Health and Addiction
743 Services, the court may, on its own motion or on motion of the
744 prosecuting authority, order, as a condition of such release or
745 placement, periodic examinations of the defendant as to his
746 competency. Such an examination shall be conducted in accordance
747 with subsection (d) of this section, as amended by this act. Upon
748 receipt of the written report as provided in [said] subsection (d) of this
749 section, as amended by this act, the court shall, upon the request of
750 either party filed not later than thirty days after the court receives such
751 report, conduct a hearing as provided in subsection (e) of this section.
752 Such hearing shall be held not later than ninety days after the court
753 receives such report. If the court finds that the defendant has attained
754 competency, he shall be returned to the custody of the Commissioner
755 of Correction or released, if he has met the conditions for release, and

756 the court shall continue with the criminal proceedings. Periodic
757 examinations ordered by the court under this subsection shall continue
758 until the court finds that the defendant has attained competency or
759 until the time within which the defendant may be prosecuted for the
760 crime with which he is charged, as provided in section 54-193 or 54-
761 193a, has expired, whichever occurs first. The court shall dismiss, with
762 or without prejudice, any charges for which a nolle prosequi is not
763 entered when the time within which the defendant may be prosecuted
764 for the crime with which he is charged, as provided in section 54-193
765 or 54-193a, has expired. Notwithstanding the erasure provisions of
766 section 54-142a, police and court records and records of any state's
767 attorney pertaining to a charge which is nolle or dismissed without
768 prejudice while the defendant is not competent shall not be erased
769 until the time for the prosecution of the defendant expires under
770 section 54-193 or 54-193a. A defendant who is not civilly committed as
771 a result of an application made by the Commissioner of Mental Health
772 and Addiction Services, the Commissioner of Children and Families or
773 the Commissioner of Mental Retardation pursuant to this section shall
774 be released. A defendant who is civilly committed pursuant to such an
775 application shall be treated in the same manner as any other civilly
776 committed person.

777 Sec. 22. Subsection (n) of section 54-56d of the general statutes is
778 repealed and the following is substituted in lieu thereof (*Effective*
779 *October 1, 2003*):

780 (n) The cost of the examination effected by the Commissioner of
781 Mental Health and Addiction Services and of testimony of persons
782 conducting the examination effected by the commissioner shall be paid
783 by the Department of Mental Health and Addiction Services. The cost
784 of the examination and testimony by physicians appointed by the
785 court shall be paid by the Judicial Department. If the defendant is
786 indigent, the fee of the person selected by the defendant to observe the
787 examination and to testify on his behalf shall be paid by the Public
788 Defender Services Commission. The expense of treating a defendant
789 placed in the custody of the Commissioner of Mental Health and

790 Addiction Services, the Commissioner of Children and Families or the
791 Commissioner of Mental Retardation pursuant to subdivision (2) of
792 subsection (h) of this section, as amended by this act, or subsection (i)
793 of this section shall be computed and paid for in the same manner as is
794 provided for persons committed by a probate court under the
795 provisions of sections 17b-19, 17b-63 to 17b-65, inclusive, 17b-116 to
796 17b-138, inclusive, 17b-220 to 17b-250, inclusive, 17b-256, 17b-259, 17b-
797 263, 17b-287, 17b-340 to 17b-350, inclusive, 17b-689, 17b-689b and 17b-
798 743 to 17b-747, inclusive.

799 Sec. 23. Subsection (b) of section 17b-94 of the general statutes is
800 repealed and the following is substituted in lieu thereof (*Effective from*
801 *passage*):

802 (b) In the case of an inheritance of an estate by a beneficiary of aid
803 under the state supplement program, medical assistance program, aid
804 to families with dependent children program, temporary family
805 assistance program or state-administered general assistance program,
806 subject to subsections (b) and (c) of section 17b-93, fifty per cent of the
807 assets of the estate payable to the beneficiary or the amount of such
808 assets equal to the amount of assistance paid, whichever is less, shall
809 be assignable to the state for payment of the amount due under said
810 section 17b-93. The state shall have a lien against such assets in the
811 applicable amount specified in this subsection. The Court of Probate
812 shall accept any such assignment executed by the beneficiary [and] or
813 any such lien notice if such assignment or lien notice is filed by the
814 Commissioner of Administrative Services with the court prior to the
815 distribution of such inheritance, and to the extent of such inheritance
816 not already distributed, the court shall order distribution in accordance
817 therewith. If the Commissioner of Administrative Services receives any
818 assets of an estate pursuant to any such assignment, the commissioner
819 shall be subject to the same duties and liabilities concerning such
820 assigned assets as the beneficiary.

821 Sec. 24. Section 18-85 of the general statutes is repealed and the
822 following is substituted in lieu thereof (*Effective from passage*):

823 The commissioner, after consultation with the Commissioner of
824 Administrative Services and the Secretary of the Office of Policy and
825 Management, shall establish a schedule of compensation for services
826 performed on behalf of the state by inmates of any institution or
827 facility of the department. Such schedule shall recognize degrees of
828 merit, diligence and skill in order to encourage inmate incentive and
829 industry. Sums so earned shall be deposited, under the direction of the
830 administrative head of such institution or facility, in a savings bank or
831 state bank and trust company in this state, and shall be paid to the
832 inmate on his discharge; but the warden or Community Correctional
833 Center Administrator may, while the inmate is in custody, disburse
834 any compensation earned by such [person] inmate in accordance with
835 the following priorities: (1) Federal taxes due; (2) restitution or
836 payment of compensation to a crime victim ordered by any court of
837 competent jurisdiction; (3) payment of a civil judgment rendered in
838 favor of a crime victim by any court of competent jurisdiction; (4)
839 victims compensation through the criminal injuries account
840 administered by the Office of Victim Services; (5) state taxes due; (6)
841 support of his dependents, if any; (7) his necessary travel expense to
842 and from work and other incidental expenses; (8) costs of [his board as
843 determined by the commissioner] such inmate's incarceration under
844 section 18-85a, as amended by this act, and regulations adopted in
845 accordance with said section 18-85a; and (9) payment to the clerk of the
846 court in which an inmate of a community correctional center, held only
847 for payment of a fine, was convicted, such portion of such
848 compensation as is necessary to pay such fine. Any interest that
849 accrues shall be credited to any institutional fund established for the
850 welfare of inmates. Compensation under this section shall be in
851 addition to any compensation received or credited under section 18-50.

852 Sec. 25. Section 18-85a of the general statutes is repealed and the
853 following is substituted in lieu thereof (*Effective from passage and*
854 *applicable to actions or proceedings pending or commenced on or after said*
855 *date*):

856 (a) The Commissioner of Correction shall adopt regulations, in

857 accordance with the provisions of chapter 54, concerning the
858 assessment of inmates of correctional institutions or facilities for the
859 costs of their incarceration.

860 (b) The state shall have a claim against each inmate for the costs of
861 such inmate's incarceration under this section, and regulations
862 adopted in accordance with this section, for which the state has not
863 been reimbursed. Any property owned by such inmate may be used to
864 satisfy such claim, except property that is: (1) Exempt pursuant to
865 section 52-352b or 52-352d, except as provided in subsection (b) of
866 section 52-321a, as amended by this act; (2) subject to the provisions of
867 section 54-218; or (3) acquired by such inmate after the inmate is
868 released from incarceration, but not including property so acquired
869 that is subject to the provisions of section 18-85b or 18-85c, as amended
870 by this act, or section 52-367c, and except as provided in subsection (b)
871 of section 52-321a, as amended by this act. In addition to other
872 remedies available at law, the Attorney General, on request of the
873 Commissioner of Correction, may bring an action in the superior court
874 for the judicial district of Hartford to enforce such claim, provided no
875 such action shall be brought but within two years from the date the
876 inmate is released from incarceration or, if the inmate dies while in the
877 custody of the commissioner, within two years from the date of the
878 inmate's death, except that such limitation period shall not apply if
879 such property was fraudulently concealed from the state.

880 Sec. 26. Section 18-85b of the general statutes is repealed and the
881 following is substituted in lieu thereof (*Effective from passage*):

882 (a) In the case of causes of action of any person obligated to pay the
883 costs of such person's incarceration under section 18-85a, as amended
884 by this act, and regulations adopted in accordance with said section
885 brought by such person within twenty years from the date such person
886 is released from incarceration, the claim of the state shall be a lien
887 against the proceeds therefrom in the amount of the costs of
888 incarceration or fifty per cent of the proceeds received by such person
889 after payment of all expenses connected with the cause of action,

890 whichever is less, for repayment under said section, and shall have
891 priority over all other claims, including any lien of the state for
892 repayment of public assistance, except (1) attorney's fees for [said
893 causes] the cause of action, (2) expenses of suit, (3) costs of
894 hospitalization connected with the cause of action by whomever paid
895 over and above hospital insurance or other such benefits, and, for such
896 period of hospitalization as was not paid for by the state, physicians'
897 fees for services during any such period as are connected with the
898 cause of action over and above medical insurance or other such
899 benefits, (4) child support obligations pursuant to subsection (d) of
900 section 17b-93, (5) restitution or payment of compensation to a crime
901 victim ordered by a court of competent jurisdiction, and (6) payment of
902 a civil judgment rendered in favor of a crime victim by a court of
903 competent jurisdiction; and such claim shall consist of the total amount
904 of the costs of incarceration under section 18-85a, as amended by this
905 act, and regulations adopted in accordance with said section 18-85a.
906 The proceeds of such causes of action shall be assignable to the state
907 for payment of the amount due under section 18-85a, as amended by
908 this act, and regulations adopted in accordance with said section 18-
909 85a, irrespective of any other provision of law. The state's lien shall
910 constitute an irrevocable direction to the attorney for [the inmate] such
911 person to pay the Commissioner of Correction or the commissioner's
912 designee in accordance with its terms, except if, after written notice
913 from the attorney for [the inmate] such person informing the
914 commissioner or the commissioner's designee of the settlement of the
915 cause of action or judgment thereon and requesting the amount of the
916 lien to be paid to the commissioner or the commissioner's designee, the
917 commissioner or the commissioner's designee does not inform such
918 attorney of the amount of the state's lien within forty-five days of
919 receipt of the written request of such attorney for such information,
920 such attorney may distribute such proceeds to such [inmate] person
921 and shall not be liable for any loss the state may sustain thereby.

922 (b) In the case of an inheritance of an estate by any person who is
923 obligated to pay the costs of such person's incarceration [in accordance

924 with] under section 18-85a, as amended by this act, and [the]
925 regulations adopted [under] in accordance with said section that is
926 received by such person within twenty years from the date such
927 person is released from incarceration, the claim of the state shall be a
928 lien against such inheritance in the amount of the costs of incarceration
929 or fifty per cent of the assets of the estate payable to [the inmate] such
930 person, whichever is less. The Court of Probate shall accept any such
931 lien notice filed by the commissioner or the commissioner's designee
932 with the court prior to the distribution of such inheritance, and to the
933 extent of such inheritance not already distributed, the court shall order
934 distribution in accordance therewith.

935 Sec. 27. Section 18-85c of the general statutes is repealed and the
936 following is substituted in lieu thereof (*Effective from passage*):

937 Upon the death of any person obligated to pay the costs of such
938 person's incarceration under section 18-85a, as amended by this act,
939 and regulations adopted in accordance with said section that occurs
940 within twenty years from the date such person is released from
941 incarceration, the state shall have a claim against such person's estate
942 for all costs of incarceration under the provisions of said section and
943 such regulations for which the state has not been reimbursed, to the
944 extent that the amount which the surviving spouse, parent or
945 dependent children of the decedent would otherwise take from such
946 estate is not needed for their support. Such claim shall have priority
947 over all other unsecured claims against such estate, including any lien
948 of the state for repayment of public assistance, except (1) expenses of
949 last sickness not to exceed three hundred seventy-five dollars, (2)
950 funeral and burial expenses in accordance with that allowed under
951 section 17b-84 upon the death of a beneficiary of aid, (3) child support
952 obligations pursuant to subsection (d) of section 17b-93, (4) restitution
953 or payment of compensation to a crime victim ordered by a court of
954 competent jurisdiction, (5) payment of a civil judgment rendered in
955 favor of a crime victim by a court of competent jurisdiction, and (6)
956 administrative expenses, including probate fees and taxes, and
957 including fiduciary fees not exceeding the following commissions on

958 the value of the whole estates accounted for by such fiduciaries: On the
959 first two thousand dollars or portion thereof, five per cent; on the next
960 eight thousand dollars or portion thereof, four per cent; on the excess
961 over ten thousand dollars, three per cent. Upon petition by any
962 fiduciary, the Court of Probate, after a hearing thereon, may authorize
963 compensation in excess of the above schedule for extraordinary
964 services. Notice of any such petition and hearing shall be given to the
965 Commissioner of Correction at least ten days in advance of such
966 hearing. The allowable funeral and burial payment authorized by this
967 section shall be reduced by the amount of any prepaid funeral
968 arrangement. Any amount paid from the estate under this section to
969 any person that exceeds the limits provided in this section shall be
970 repaid to the estate by such person, and such amount may be
971 recovered in a civil action with interest at the legal rate from the date
972 of demand.

973 Sec. 28. Subsection (b) of section 18-101 of the general statutes is
974 repealed and the following is substituted in lieu thereof (*Effective from*
975 *passage*):

976 (b) On granting privileges to any person under section 18-90b or 18-
977 100, the commissioner or his designee shall disburse any compensation
978 earned by such person in accordance with the following priorities: (1)
979 Federal taxes due; (2) restitution or payment of compensation to a
980 crime victim ordered by any court of competent jurisdiction; (3)
981 payment of a civil judgment rendered in favor of a crime victim by any
982 court of competent jurisdiction; (4) victims compensation through the
983 criminal injuries account administered by the Office of Victim Services;
984 (5) state taxes due; (6) support of his dependents, if any; (7) his
985 necessary travel expense to and from work and other incidental
986 expenses; and (8) costs of [his board as determined by said
987 commissioner] such person's incarceration under section 18-85a, as
988 amended by this act, and regulations adopted in accordance with said
989 section 18-85a, and the commissioner shall pay any balance remaining
990 to such person upon his discharge. Each person gainfully self-
991 employed shall pay to the commissioner the costs of [his board, as

992 determined by said commissioner] such person's incarceration under
993 section 18-85a, as amended by this act, and regulations adopted in
994 accordance with said section 18-85a, and on default in payment thereof
995 his participation under section 18-100 shall be revoked.

996 Sec. 29. Subsection (b) of section 52-321a of the general statutes is
997 repealed and the following is substituted in lieu thereof (*Effective from*
998 *passage*):

999 (b) Nothing in this section shall impair the rights of an alternate
1000 payee under a qualified domestic relations order, as defined in Section
1001 414(p) of the Internal Revenue Code of 1986, or any subsequent
1002 corresponding internal revenue code of the United States, as from time
1003 to time amended. Nothing in this section or in subsection (m) of
1004 section 52-352b shall impair the rights of the state to proceed under
1005 section 52-361a to recover the costs of incarceration under section 18-
1006 85a, as amended by this act, and regulations adopted in accordance
1007 with section 18-85a, as amended by this act, from any federal, state or
1008 municipal pension, annuity or insurance contract or similar
1009 arrangement described in subdivision (5) of subsection (a) of this
1010 section, provided the rights of an alternate payee under a qualified
1011 domestic relations order, as defined in Section 414(p) of the Internal
1012 Revenue Code of 1986, or any subsequent corresponding internal
1013 revenue code of the United States, as from time to time amended, shall
1014 take precedence over any such recovery. Nothing in this section [nor]
1015 or in subsection (m) of section 52-352b shall impair the rights of a
1016 victim of crime to proceed under section 52-361a to recover damages
1017 awarded by a court of competent jurisdiction from any federal, state or
1018 municipal pension, annuity or insurance contract or similar
1019 arrangement described in subdivision (5) of subsection (a) of this
1020 section when such damages are the result of a crime committed by a
1021 participant or beneficiary of such pension, annuity or insurance
1022 contract or similar arrangement, [;] provided the rights of an alternate
1023 payee under a qualified domestic relations order, as defined in Section
1024 414(p) of the Internal Revenue Code of 1986, or any subsequent
1025 corresponding internal revenue code of the United States, as from time

1026 to time amended, shall take precedence over any such recovery.

1027 Sec. 30. (NEW) (*Effective October 1, 2003*) Any child who is arrested
 1028 and held in a detention center, alternative detention center, Long Lane
 1029 School for Girls, the Connecticut Juvenile Training School or a police
 1030 station or courthouse lockup prior to the disposition of a juvenile
 1031 matter shall, if subsequently convicted as delinquent by the Superior
 1032 Court and sentenced to a period of probation, earn a reduction of such
 1033 child's period of probation, including any extensions thereof, equal to
 1034 the number of days that such child spent in such detention center,
 1035 school or lockup.

1036 Sec. 31. (*Effective July 1, 2003*) Sections 18-24a, 18-27, 18-28, 18-29 and
 1037 21a-283a of the general statutes are repealed."

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| This act shall take effect as follows: | |
| Section 1 | <i>July 1, 2004</i> |
| Sec. 2 | <i>July 1, 2003</i> |
| Sec. 3 | <i>July 1, 2003</i> |
| Sec. 4 | <i>July 1, 2003</i> |
| Sec. 5 | <i>January 1, 2004</i> |
| Sec. 6 | <i>July 1, 2003</i> |
| Sec. 7 | <i>July 1, 2003</i> |
| Sec. 8 | <i>July 1, 2003</i> |
| Sec. 9 | <i>July 1, 2003</i> |
| Sec. 10 | <i>July 1, 2003</i> |
| Sec. 11 | <i>July 1, 2003</i> |
| Sec. 12 | <i>July 1, 2003</i> |
| Sec. 13 | <i>July 1, 2003</i> |
| Sec. 14 | <i>July 1, 2003</i> |
| Sec. 15 | <i>July 1, 2003</i> |
| Sec. 16 | <i>July 1, 2003</i> |
| Sec. 17 | <i>July 1, 2003</i> |
| Sec. 18 | <i>October 1, 2003</i> |
| Sec. 19 | <i>October 1, 2003</i> |
| Sec. 20 | <i>October 1, 2003</i> |
| Sec. 21 | <i>October 1, 2003</i> |
| Sec. 22 | <i>October 1, 2003</i> |

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| Sec. 23 | <i>from passage</i> |
| Sec. 24 | <i>from passage</i> |
| Sec. 25 | <i>from passage and applicable to actions or proceedings pending or commenced on or after said date</i> |
| Sec. 26 | <i>from passage</i> |
| Sec. 27 | <i>from passage</i> |
| Sec. 28 | <i>from passage</i> |
| Sec. 29 | <i>from passage</i> |
| Sec. 30 | <i>October 1, 2003</i> |
| Sec. 31 | <i>July 1, 2003</i> |